

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: HUANG et al.

APPLICATION NO.: 09/847,232

FILED: MAY 2, 2001

FOR: PLANT TRANSCRIPTION FACTORS AND ENHANCED
GENE EXPRESSION

EXAMINER: BAUM, S.

ART UNIT: 1638

CONFIRMATION NO. 5945

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 CFR 1.97(b)(4)**

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. **Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits after the filing of a request for continued examination under 37 CFR §1.114, whichever occurs last [37 CFR 1.97(b)(4)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. **Cited Information**

- Copies of the following references are enclosed:
 All cited references
 References marked by asterisks
 The following:

3. Copies of the following references can be found in parent Application No.

- All cited references
 References marked by asterisks
 The following:

- The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a

communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- All cited references
- References marked by ampersands
- The following:

4. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

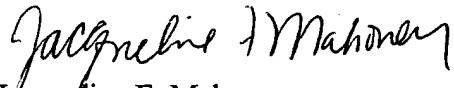
5. Fee Payment

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

6. Patent Term Adjustment (37 CFR 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

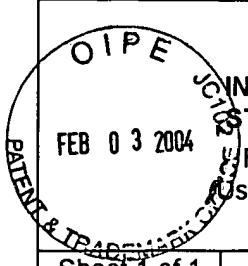
Respectfully submitted,



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
Form PTO-1449 (Modified)
(Use several sheets if necessary)

FEB 03 2004

COMPLETE IF KNOWN

Application Number	09/847,232
Filed	May 2, 2001
First Named Inventor	Ning Huang
Group Art Unit	1638
Examiner Name	Stuart Baum
Atty Dkt No.	50665-8018.US01

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
A	Russell DA and ME Fromm, (1997), "Tissue specific expression in transgenic maize of four endosperm promoters from maize and rice," <i>Transgenic Res</i> 6:157-168.		
B	Genschick P, et al., (1994), "Structure and promoter activity of a stress and developmentally regulated polyubiquitin-encoding gene of Nicotiana tabacum," <i>Gene</i> 148:195-202.		
C	McElroy DE, et al., (1990), "Isolation of an efficient actin promoter for use in rice transformation," <i>Plant Cell</i> 2:163-171.		
D	Wang Y, et al., (1992), "Characterization of cis-acting elements regulating transcription from the promoter of a constitutively active rice actin gene," <i>Molec Cell Biol</i> 12(8):3399-3406.		
E	Washida H, et al., (1999), "Identification of cis-regulatory elements required for endosperm expression of the rice storage protein glutelin gene GluB-1," <i>Plant Molec Biol</i> 40:1-12.		
F	Cercós M, et al., (1999), "Hormonal regulation of a cysteine proteinase gene, EPB-1, in barley aleurone layers: cis and trans-acting elements involved in co-ordinated gene expression regulated by gibberellins and abscisic acid," <i>Plant Journal</i> 19(2):107-118.		
G	Holdsworth MJ, et al., (1995), "The maize transcription factor Opaque-2 activates a wheat glutenin promoter in plant and yeast cells," <i>Plant Molec Biol</i> 29:711-720.		
H	Schmidt RJ, et al., (1992), "Opaque-2 is a transcriptional activator that recognizes a specific target site in 22-kD zein genes," <i>Plant Cell</i> 4:689-700.		
I	Wu CY, et al., (1998), "The GCN4 motif in a rice glutelin gene is essential for endosperm-specific gene expression and is activated by Opaque-2 in transgenic rice plants," <i>Plant Journal</i> 14(6):673-683.		
J	Mena MI, et al., (1998), "An endosperm-specific DOF protein from barley, highly conserved in wheat, binds to and activates transcription from the prolamin-box of a native B-hordein promoter in barley endosperm," <i>Plant Journal</i> 16(1): 53-62.		
K	Vicente-Carbajosa V, et al., (1998), "Barley BLZ1: a bZIP transcriptional activator that interacts with endosperm-specific gene promoters," <i>Plant Journal</i> 13(5):629-640.		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	